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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,779	11/14/2001	Terrell Jones	8250.1526-00	3140
826	7590	11/23/2004	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/990,779

Applicant(s)

JONES ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claim Status: 1-31 are rejected.

Applicant's arguments filed June 6<sup>th</sup>, 2004 have been fully considered but they are not persuasive.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being unpatentable over Vance et al (US Patent No. 6,442,526).

1. Regarding Claims 1, and 7, Vance discloses a method for processing a query of a travel database, comprising:

receiving a selected arrival location and a selected departure location (see Fig. 14C, orientation and destination, Vance);

finding a set of desirable fares between the arrival location and the departure location (see Fig. 14D, Flight list, Vance);

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constructing possible itineraries between the arrival location and the departure location associated with the desirable fares (see column 5, lines 31-33, Vance);

applying a set of rules to the possible itineraries; querying an availability portion of the travel database for available travel units for the one or more travel segments based upon the applied set of rules and the possible itineraries (see Fig. 14D, status, Vance); and

displaying the available travel units in a calendar-based user interface (see Fig. 14D, 372, Vance).

2. Regarding Claims 2, and 8, Vance discloses a method wherein the calendar-based user interface displays applicability data and availability data simultaneously (see Fig. 14D, 372, Vance).

3. Regarding Claims 3, and 9, Vance discloses a method wherein applicability data comprises an indication of whether a travel unit is allowed on a prespecified day based on the set of rules (see column 7, and 8, lines 65-67, and 1-25, respectively, Vance).

4. Regarding Claims 4, and 10, Vance discloses a method wherein the availability data comprises an indication of whether a travel unit is at least one of (1) available for sale and (2) sold out (see Fig. 14D, status, Vance).

5. Regarding Claims 5, and 11, Vance discloses a method wherein the calendar-based user interface comprises a display of at least a portion of a calendar (see Fig. 14E, 376, Vance).

6. Regarding Claims 6, and 12, Vance discloses a method wherein the display further includes user-selectable hyperlinks for selecting a desired travel date (see Fig. 14C, Date and Time, Vance).

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7. Regarding Claim 13, Vance discloses a calendar-based user interface for displaying query results from a database containing travel data comprising:

a calendar showing a plurality of days corresponding to the query; an availability indicator for each of the plurality of days showing available itineraries relating to the query (see Fig. 14D, 372, Vance); and

an applicability indicator for each of the plurality of days showing itineraries relating to the query which apply based on a set of rules and restrictions from travel providers (see Fig. 14D, Detailed Itinerary, Vance).

8. Regarding Claims 14, and 17, Vance discloses a user interface wherein the availability indicator comprises a shaded day within the calendar for indicating whether a travel unit is available on the shaded day (see Fig. 14E, 376, Vance).

9. Regarding Claims 15, and 18, Vance discloses a user interface wherein the availability indicator comprises an availability icon associated with a day within the calendar for indicating whether a travel unit is available on the associated day (see Fig. 14E, 374, Vance).

10. Regarding Claims 16, and 19 Vance discloses a user interface wherein the availability indicator comprises a user-selectable hyperlink associated with a day within the calendar for indicating whether a travel unit is available on the associated day (see column 11, lines 44-56, Vance).

11. Regarding Claims 20, 25, 26, and 31, Vance discloses a method for administering an availability portion of a relational travel database, comprising:

receiving an availability message from a first travel provider (see Fig. 14G, flight list, Vance);

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analyzing the availability message to determine one or more affected travel segments (see Fig. 14Q, Original Reservation, Vance);

querying a schedule portion of the relational travel database for the one or more affected travel segments (see Fig. 14Q, Alternate Reservation, Vance); and

writing a record to an availability portion of the relational database based on a status portion of the availability message if the one or more affected travel segments are found in the schedule portion of the relational database (see Fig. 14Q, Trip Activity Log, Vance).

12. Regarding Claims 21, and 27, Vance discloses a method further comprising: initializing the relational travel database by processing a snapshot of existing availability messages at a predetermined time into the availability portion of the relational travel database (see Fig. 14Q, 406, Vance).

13. Regarding Claims 22, and 28, Vance discloses a method further comprising:  
placing the availability message in a queue corresponding to the first travel provider (see Fig. 14R, 408, Vance).

14. Regarding Claims 23, and 29, Vance discloses a method further comprising:  
processing the availability message corresponding to the first travel provider in parallel with an additional availability message corresponding to a second travel provider (see Fig. 14S, 374, Vance).

15. Regarding Claims 24, and 30, Vance discloses a method further comprising:  
adding the availability message to an alternative processing queue if the one or more affected travel segments are not found in the schedule portion of the relational database (see column 13, lines 54-64, Vance).

***Response to Amendment***

Applicant argues, "Vance does not teach or suggest applying a set of rules to a number of possible itineraries or correspondingly querying an available portion of a travel database based upon the applied set of rules."

Examiner disagrees. Refereeing to Fig. 14F Vance discloses a set of rules must be applied in order to receive possible itineraries regarding the availability portion of a travel database.

Applicant argues, "Vance does not teach or suggest " applying a set of rule (e.g., minimum and/or maximum number of required stays, advanced purchase requirement, etc.) to a number of travel itineraries, or searching the availability portion of the travel database based upon the applied set of rules.

Examiner disagrees. Vance at Fig. 14F discloses a field where the users specify the date and time reads on applying the rule. And with respect to the e.g., minimum and/or maximum number of required stays, advanced purchase requirement, etc. The applicant did not claim the minimum and/ or maximum number of required stays.

Applicant arguer, " Vance does not teach or suggest displaying available units in a calendar based user interface as recited by independent Claims 1 and 7."

Examiner disagrees. Refereeing to Fig. 14D, Fig. 14F, and Fig. 14G, the 372 is a pop up page that appears for the user to select the flights which appears on the calendar based user interface Fig. 14E, 376.

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Applicant argues, “the graphical user interface of the Vance patent does not display available travel units (e.g. a available seat).”

Examiner disagrees. Vance discloses the availability of a travel unit. However, applicant argues Vance does not teach or suggest available seat, which was not claimed.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

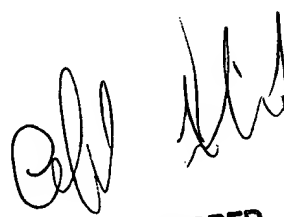
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***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
November 16, 2004

  
**ALFORD KINDRED  
PRIMARY EXAMINER**